

PROFILE: REP. RICHARD POMBO

Lawmaker's agenda just part of his nature

Congressman finds fault with federal environmental rules

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Rep. Richard Pombo, sitting in a sunny conference room at his district office in San Ramon, listens to Danville officials plead their case for more federal money for transportation projects and a new veterans memorial.

Pombo, a Republican from Tracy who's served in the House since 1993, hears dozens of similar requests every time he's back in his district. He is polite and says he'll lean on his GOP allies to help Danville, but can't guarantee every request will be met.

But when Danville mayor Newell Arnerich complains that his city and other Bay Area communities could face millions of dollars in costs to meet stringent federal environmental rules for storm water runoff, Pombo springs into action.

"If it needs a change in federal law," he said during the meeting earlier this year, "we'll have to take a look at how we can make that happen."

From another lawmaker, it might be an idle promise, but not from Pombo. He chairs the House Resources Committee, which drafts many of the nation's most important environmental laws and oversees 700 million acres of public land. The budgets of the Forest Service, the National Park Service and other land management agencies must be vetted by his panel. In Washington, he's as powerful a player on environmental issues as the Interior Secretary or the Environmental Protection Agency administrator.

Pombo is a crusader -- a cowboy hat-wearing rancher and outspoken property rights activist who believes the government's approach to environmental regulation is too intrusive, too confrontational and often ineffective in protecting natural resources.

At 43, he is the youngest chairman in the House, having jumped over nine more senior Republicans on the committee to win the job last year, with the strong backing of House Majority Leader Tom DeLay, R-Texas. Pombo, known on Capitol Hill for his ostrich-skin boots and fund-raising ability, convinced Republican leaders he could spearhead a more aggressive effort by the party to reshape federal environmental policy.

In his first year, he was credited with helping win congressional support for President Bush's Healthy Forests plan to thin national forests to reduce the wildfire risk, passed overwhelmingly last fall after the devastating Southern California fires.

He has been a leading advocate of the energy bill -- including its provision to drill for oil in the Arctic National Wildlife Refuge -- which passed the House, but is stuck in the Senate.

Last week, his committee began the first of several hearings on proposed changes to the Endangered Species Act. For the last 12 years, Pombo has been on a mission to rewrite the law, which he argues saves few species and tramples on the rights of farmers, ranchers and other landowners.

"It's not recovering species," Pombo said in a recent interview with The Chronicle. "It is causing a lot of confrontations with property owners over the implementation of the act. And it is being used to achieve other goals: stopping timber harvesting, stopping mining, stopping growth."

Pombo's selection as Resources Committee chairman last year frightened the nation's largest environmental groups, which have long clashed with the congressman. Now those groups are gearing up to challenge Pombo and block his effort to rewrite the Endangered Species Act.

"He doesn't believe in the Endangered Species Act," said Carl Pope, executive director of the Sierra Club. "He doesn't believe we should protect our wildlife heritage."

Pombo is used to sparring with environmental groups -- and, at times, appears to revel in it. In February, he attacked the League of Conservation Voters for releasing a scorecard that gave all but one of the 28 Republicans on his committee failing grades for their environmental votes. He accused the group of operating as an arm of the Democratic Party.

Environmental groups, he argues, have misled the public into thinking that air and water quality have gotten worse in recent years, when national trend lines during the last 30 years show improvement in reducing pollution.

"These national organizations, in order for them to survive, have to create a crisis, have to create a bogeyman," he said. Often, Pombo fills that role. "I make a convenient person for them to shoot at because I'm willing to tell them they're wrong."

But environmentalists have also proven adept at blocking his agenda. When Pombo introduced a bill in 1999 to help farmers by making it tougher for the EPA to restrict the use of certain pesticides, the Environmental Working Group leaked word to the Washington Post that much of text of the bill had been prepared by a consulting firm working for pesticide manufacturers and agricultural groups. Pombo denied that the firm

wrote the legislation, although he acknowledged asking for their input. As a result of the controversy, the bill stalled.

As chairman, Pombo has drawn praise from some Democrats on the Resources Committee for giving them a fair chance to voice their often opposing views.

"I would not describe him as riding roughshod over the minority -- and I appreciate that," said Rep. Jay Inslee, D-Wash. "But his viewpoint on (the Endangered Species Act) is dramatically different than mine and my constituents."

Supporters say he has not moderated his views since becoming chairman, but has become more skilled at negotiating compromises. During the debate over Healthy Forests, Pombo spent hours on the phone with Sen. Dianne Feinstein, D-Calif., crafting a bill that would win more Democratic votes.

"The relationship he forged with Sen. Feinstein, reaching across the aisle, was essential in getting it passed," said Mark Rey, the Agriculture Department undersecretary who negotiated the bill for the Bush administration.

In many ways, Pombo is an unlikely Washington power player. He is reluctant to grant media interviews -- and usually dislikes the stories that follow. He shuns most black-tie events, saying he'd rather be eating frozen pizza and watching Fox News in his Capitol Hill apartment. He flies home every weekend to Tracy to spend time with his wife, Annette, and their three kids --

Richie, Rena and Rachel -- who share the initials of the family cattle brand, "RP."

Pombo's rise from a Tracy city councilman just a dozen years ago to House Resources chairman is an improbable story that began with a clash over a nature trail.

In the mid-1980s, Alameda County and the East Bay Regional Park District proposed a nature path that Pombo said would have run through his family's 500-acre ranch. The county wanted to reclaim an old railroad right-of-way and create a scenic trail for joggers and bikers, but the two dozen ranchers whose land would be crossed by the path were anxious.

"The farmers and the ranchers started asking, 'Well, are you going to fence it? Are you going to maintain it? Are you going to police it?'" Pombo recalled. "You can't just turn people loose across these lands without having some kind of policing." Pombo and other landowners sued after they said the park district and the county refused to agree to fence and maintain the trail. But park district officials tell a different story: they insist they promised to fence and police the trail. They also said the original plan for the path would not have crossed Pombo's property.

After years of litigation, the trail project was dropped. But the battle crystallized Pombo's views on property rights and the role of government -- and spurred him to run for the Tracy City Council. He was elected in 1990 at age 29.

Pombo had never planned a career in politics. He grew up milking cows and feeding cattle on the land his grandfather, a Portuguese immigrant, bought nearly a century before. He attended Cal Poly Pomona for three years, but dropped out to help run the family's cattle, dairy and trucking businesses.

But when California picked up seven new seats in Congress after redistricting, including a new district that covered San Joaquin County and parts of rural Sacramento County, Pombo decided to run for it. "I was naive enough to think I could win," he said.

Pombo ran against several well-known Republican opponents in the primary, including a Sacramento County supervisor and the district director for former Rep. Norm Shumway. But he squeezed campaign contributions out of local ranchers and farmers, and won with heavy support in his hometown of Tracy.

In the general election, he faced a nasty race against Democrat Patti Garamendi, the wife of then-state Sen. John Garamendi. She likened him to David Duke, the Klansman-turned-politician; he dismissed her as a "socialite." He beat her 48 percent to 46 percent, and has never had a close election since.

Two years ago, Pombo's district was redrawn to include parts of Alameda, Contra Costa and Santa Clara counties -- including the cities of Brentwood, Danville, Dublin, Pleasanton, San Ramon and Morgan Hill. Democrats claimed Pombo's conservative views and opposition to abortion rights would alienate his more liberal Bay Area constituents.

But the district tilts Republican in registration, and Pombo handily defeated Democrat Elaine Shaw, 60 percent to 40 percent, in 2002. His supporters say he has kept his seat by focusing on the key issues in his booming suburban district: housing, transportation and water.

"We all recognize his current role is going to make him a lightning rod," said Mike Locke, a former Tracy city manager, now president of the San Joaquin Partnership, the county's economic development corporation. But local officials also believe Pombo's leadership position could mean more federal dollars to the district. "As he has gained tenure and credibility ... his value as it relates to the impact on the district moves up accordingly."

Pombo's last major push to rewrite the Endangered Species Act began in 1995, when Republicans took control of Congress and then-House Resources Chairman Don Young, R-Alaska, put him in charge of a task force to overhaul the law.

The landmark law, signed by President Richard Nixon in 1973, was designed to save dwindling numbers of bald eagles, grizzly bears and whooping cranes by protecting their critical habitat. But the act also covered less majestic species -- such as the snail darter and the Delhi fly -- and critics such as Pombo have grown frustrated that the act was being used to block development.

At field hearings across the country, Pombo gathered horror stories, such as the Riverside family who lost \$400,000 in income and legal fees when the U. S. Fish and Wildlife Service found a rare species of kangaroo rat on their farm and forced them to stop planting on 800 acres. He argued the act was being used to violate constitutionally guaranteed property rights without compensating landowners.

"Today, the government rarely sends soldiers armed with rifles to seize property," Pombo wrote in his 1996 book, "This Land Is Our Land," with co-author Joseph Farah. "It sends bureaucrats armed with regulations and environmental impact statements. But the result is the same."

Critics complained that the hearings were stacked with opponents of the act -- a complaint Pombo denies. He sponsored legislation in 1996 to compensate landowners if the act reduced the value of their land by 20 percent or more, and tightened the requirements for listing a species as endangered. But GOP leaders shelved the bill when it became clear it would never get a vote in the Senate.

Pombo said he has learned lessons from that failure and now plans to rewrite the act piece by piece. On Wednesday, he held a hearing on a bill by Rep. Dennis Cardoza, a Democrat from Merced, that would allow the Fish and Wildlife Service to designate critical habitat only if the land is deemed "absolutely essential and indispensable" to saving species.

Another bill by Rep. Greg Walden, R-Ore., would require the agency to use peer-reviewed science -- essentially raising the bar for listing a species as endangered.

Environmentalists say the ultimate goal of the bills is to make it more difficult to list species and to protect their habitat. Pope predicted "there are species that are going to go extinct because they are not listed in time."

All sides agree it may be tough to pass Endangered Species Act legislation in an election year. But Pombo said the debate this year could help educate lawmakers, allowing legislation to be passed next year.

"When I first got here, I thought you could just do everything all at once and get it over with," Pombo said. "Over 12 years, I've figured out you can't do that. It takes incremental change."

REP. RICHARD POMBO

Born: Jan. 8, 1961, Tracy

Career: rancher, farmer, dairyman, trucking business owner; Tracy city councilman, 1990-92; member of Congress, 1993-present.

Education: studied agriculture for three years at Cal State University, Pomona; left before finishing degree to run the family business.

Family: married, three children

On the issues

-- On his support for the war in Iraq

"The president did what he thought was right. And the members of Congress that went through all of the briefings, that read all of the papers, that had the CIA come in, that had defense intelligence come in, they all supported it. ... Whether it was (Sen. John) Kerry or (Sen. John) McCain or the whole bunch of them, they all looked at it and they all said the same thing. And now to go back and say, 'Well, we were supporting the president but we really didn't support going to war' -- well, did you read the resolution that we passed?"

-- On his opposition to gay marriage licenses in San Francisco

"It's a form of protest. It's like tying yourself to a tree or anything else just to draw attention to something that you want to change the law on. I don't think anybody really believes that those are legal marriages. Everybody knows that they're against the law, they know that that's not going to stand. But it's a form of protest, and if that's their way of protesting current law, they've got the right to do it."

-- On his opposition to the North American Free Trade Agreement

"It's just this false idea that we can somehow compete on a level playing field with them when they have a completely different regulatory environment than we do. And it's not so much Canada as it is Mexico, where they have a completely different regulatory environment than we do. ... How are my guys supposed to compete with that?"

-- On suburban sprawl

"Most of the communities around here have some kind of a limitation on growth -- San Ramon, Danville, Pleasanton, Dublin, Livermore. ... And as you restrict growth in one area, that means that you're going to have increasing amount of growth in other areas. And you end up with Tracy growing or Brentwood growing as a direct result of people being priced out of the market closer in."

-- On his support for water storage projects

"You have a dry year and we're in a world of hurt. It's there right now. With the population increases that we've had in California over the last 20-25 years, there have been no new water projects that create more water that have been brought on in that entire time. So all of this new population, all of the new growth that's come in, the entire Silicon Valley, that entire computer industry that was created over there, all of that was done with no new water."

-- On environmental regulation

"Right now, we're debating whether or not we should have 50 parts per billion of something in our water or 20 parts per billion. ... We're not talking about allowing XYZ corporation down the street to run their sewage directly into the river. It's not the same debate. What the environmentalists want to do is they want to keep saying, 'Well, if you're against us on this, if you think that 40 parts per billion is okay instead of 20 then you want to pollute our water and you're responsible for this brown water that we've got over here.' "

Source: Chronicle interview

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